

EXHIBIT G

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*Interim Lead Counsel for the Direct Purchaser
Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF ARCH ELECTRONICS,
INC.'S RESPONSES TO DEFENDANT
HITACHI AMERICA, LTD.'S FIRST SET
OF INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF ARCH ELECTRONICS, INC.

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Arch Electronics, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses herein:

1. Plaintiff and its counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
2 responses are therefore based upon information known at this time and are provided without
3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
15 the extent the information sought is protected by the attorney-client privilege, the attorney work
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
19 asserted to protect any information from disclosure. Accordingly, any response or production of
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light of further evidence and further analysis of present and subsequently acquired evidence.

15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations, including evidence that Plaintiff expects to further develop through the course of discovery and expert analysis.

16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in, or trial of, this or any other action for any purpose whatsoever.

17. No incidental or implied admissions are intended in these responses. Plaintiff's response to all or any part of any Interrogatory should not be taken as an admission that: (a) Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or (b) Plaintiff has in its possession, custody or control documents or information responsive to that interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver by Plaintiff of all or any part of its objection(s) to that interrogatory.

18. Plaintiff objects to the interrogatories to the extent they are duplicative of interrogatories served by other defendants in this litigation. To the extent these interrogatories seek answers that are duplicative to those requested by other interrogatories that have already been propounded on the direct purchaser class, or served at the same time as these interrogatories, the direct purchaser plaintiffs will only answer them once.

19. Plaintiff objects to these interrogatories to the extent that the cumulative requests by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

RESPONSES

INTERROGATORY NO. I:

IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR responses to these interrogatories.

1 RESPONSE TO INTERROGATORY NO. 1:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows:

4 Steven R. Nusbaum
 President
 5 Arch Electronics, Inc.
 120 Kingston Road
 6 Cheltenham, PA 19012

7 INTERROGATORY NO. 2:

8 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 9 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 10 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 11 PERSON's involvement.

12 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 13 YOUR response.

14 RESPONSE TO INTERROGATORY NO. 2:

15 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 16 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 17 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 18 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 19 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 20 respond to this interrogatory because it impermissibly calls for downstream information
 21 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 22 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 23 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 24 2005).

25 INTERROGATORY NO. 3:

26 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 27 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 28 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the

1 time period and nature of each PERSON's involvement.

2 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
3 YOUR response.

4 **RESPONSE TO INTERROGATORY NO. 3:**

5 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
6 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
7 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
8 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
9 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
10 respond to this interrogatory because it impermissibly calls for downstream information
11 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
12 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
13 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
14 2005).

15 **INTERROGATORY NO. 4:**

16 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
17 were a part of the sale, including without limitation all terms and conditions RELATING TO
18 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
19 with the sale.

20 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
21 YOUR response.

22 **RESPONSE TO INTERROGATORY NO. 4:**

23 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
24 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
25 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
26 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
27 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
28 respond to this interrogatory because it impermissibly calls for downstream information

1 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 2 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 3 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 4 2005).

5 **INTERROGATORY NO. 5:**

6 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 7 conditions that were a part of the sale, including without limitation all terms and conditions
 8 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 9 PERSON in connection with the sale.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 5:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 18 respond to this interrogatory because it impermissibly calls for downstream information
 19 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 22 2005).

23 **INTERROGATORY NO. 6:**

24 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 25 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 26 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 27 or sold.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 6:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 6 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 7 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 8 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 9 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 10 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 11 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 12 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 13 this interrogatory to the extent it calls for disclosure of information that is protected by the
 14 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 15 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 16 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 17 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 18 34 and the applicable Local Rules of the United States District Court for the Northern District of
 19 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
 20 the defendants may be derived from their production of documents. *See* Bates Numbered
 21 Documents ARCH000001-902.

22 **INTERROGATORY NO. 7:**

23 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 24 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 25 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 26 YOU acquired or sold.

27 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 28 YOUR response.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their production of documents. *See* Bates Numbered Documents ARCH000001-902.

INTERROGATORY NO. 8:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks

1 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 2 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 3 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 4 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 5 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 6 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 7 the ground that it is duplicative of other interrogatories served in this action.

8 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 9 to their acquisition of CRT Products from defendants as follows: Steven R. Nusbaum.

10 **INTERROGATORY NO. 9:**

11 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 12 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 13 RELEVANT PERIOD.

14 **RESPONSE TO INTERROGATORY NO. 9:**

15 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 16 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 17 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 18 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 19 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 20 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 21 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 22 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 23 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 24 the ground that it is duplicative of other interrogatories served in this action.

25 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 26 to their acquisition of CRT Products from defendants as follows: Steven R. Nusbaum.

1 **INTERROGATORY NO. 10:**

2 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
3 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
4 knowledge of those specifications.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
7 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
8 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
9 information entirely irrelevant to the issues raised and damages claimed in this case and is not
10 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
11 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
12 without waiving, the foregoing objections, Plaintiff responds as follows: Arch Electronics, Inc.
13 had no product specifications for acquisitions or potential acquisitions of CRTs during the relevant
14 period.

15 In addition, the answer to this interrogatory may be derived from Plaintiff's production of
16 documents.

17 **INTERROGATORY NO. 11:**

18 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
19 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
20 with knowledge of those specifications.

21 **RESPONSE TO INTERROGATORY NO. 11:**

22 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
23 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
24 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
25 information entirely irrelevant to the issues raised and damages claimed in this case and is not
26 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
27 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
28 without waiving, the foregoing objections, Plaintiff responds as follows: Arch Electronics, Inc.

1 had no product specifications for acquisitions or potential acquisitions of CRTs during the relevant
2 period, apart from occasionally screen size or input jack requirements, or the like.

3 In addition, the answer to this interrogatory may be derived from plaintiff's production of
4 documents.

5 **INTERROGATORY NO. 12:**

6 Separately, with respect to each CRT that YOU acquired during the RELEVANT
7 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
8 the allegations in the Complaint.

9 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
10 YOUR response.

11 **RESPONSE TO INTERROGATORY NO. 12:**

12 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
13 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
14 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
15 authority for the view that the wisest general policy is to defer propounding and answering
16 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
17 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
18 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
19 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
20 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
21 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
22 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
23 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
24 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
25 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
26 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
27 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
28 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune

1 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 2 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 3 Rules of the United States District Court for the Northern District of California.

4 **INTERROGATORY NO. 13:**

5 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 6 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 7 overcharged as a result of the allegations in the Complaint.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 13:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 12 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 13 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 14 authority for the view that the wisest general policy is to defer propounding and answering
 15 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 16 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 17 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 18 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 19 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 20 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 21 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 22 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 23 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 24 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 25 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 26 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 27 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 28 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations

1 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
2 Rules of the United States District Court for the Northern District of California.

3

4 DATED: July 7, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

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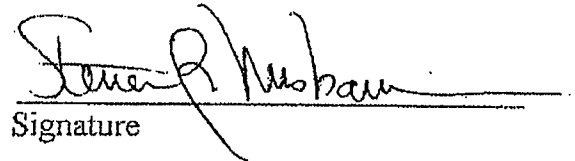
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*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

VERIFICATION

I, Steven R. Nusbaum, as President of Arch Electronics, Inc., do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Arch Electronics, Inc.'s Responses and Objections to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 7, 2010.


Signature

Guido Saveri (22349) guido@saveri.com
R. Alexander Saveri (173102) rick@saveri.com
Geoffrey C. Rushing (126910) grushing@saveri.com
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*Interim Lead Counsel for the Direct Purchaser
Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF WETTSTEIN AND SONS,
INC. D/B/A WETTSTEIN'S RESPONSES
TO DEFENDANT HITACHI AMERICA,
LTD.'S FIRST SET OF
INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF WETTSTEIN AND SONS, INC. D/B/A
WETTSTEIN'S

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Wettstein
And Sons, Inc. d/b/a Wettstein's ("Plaintiff"), by its attorneys, objects and responds to Defendant
Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the
"Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses
herein:

1 1. Plaintiff and its counsel have not completed their (1) investigation of the facts
2 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
3 responses are therefore based upon information known at this time and are provided without
4 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
5 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
6 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
7 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
8 inadvertent errors or omissions have been made.

9 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
10 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
11 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
12 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
13 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
14 Procedure.

15 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
16 the extent the information sought is protected by the attorney-client privilege, the attorney work
17 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
18 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
19 privilege, attorney work-product or any other privilege, immunity or other protection that may be
20 asserted to protect any information from disclosure. Accordingly, any response or production of
21 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
22 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

23 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
24 particularity the information and categories of information to be provided.

25 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
26 documents outside its possession, custody, or control.

27 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
28 unduly burdensome.

1 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,
2 redundant, harassing or oppressive.

3 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
4 legal conclusions.

5 9. Plaintiff objects to the Interrogatories to the extent the information requested is
6 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
8 them, seek production of any information within the possession, custody, or control of any
9 Defendant, or of publicly available information such that the information is obtainable from some
10 other source that is more convenient, less burdensome or less expensive, or the production of the
11 information will impose undue burden, inconvenience, or expense upon Plaintiff.

12 11. Plaintiff objects to each and every interrogatory and also to the instructions
13 accompanying them, to the extent they seek to require Plaintiff to produce all information that
14 supports or otherwise relates to specific contentions in this litigation, on the ground that such
15 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

16 12. Plaintiff objects to the Interrogatories to the extent that they seek information
17 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
18 such downstream data, because such information is not relevant to the claim or defense of any
19 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
20 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
21 information other than that related to direct purchases of CRT Products from the named
22 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
23 *Illinois*, 431 U.S. 720 (1977).

24 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
25 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
26 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
27 response should be construed to foreclose any such disclosure.

28 14. Plaintiff reserves the right to modify their allegations based on additional

1 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert
 2 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
 3 of further evidence and further analysis of present and subsequently acquired evidence.

4 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 5 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 6 including evidence that Plaintiff expects to further develop through the course of discovery and
 7 expert analysis.

8 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
 9 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 10 proceeding in, or trial of, this or any other action for any purpose whatsoever.

11 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 12 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 13 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
 14 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 15 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
 16 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 17 by Plaintiff of all or any part of its objection(s) to that interrogatory.

18 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
 19 interrogatories served by other defendants in this litigation. To the extent these interrogatories
 20 seek answers that are duplicative to those requested by other interrogatories that have already been
 21 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
 22 direct purchaser plaintiffs will only answer them once.

23 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
 24 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

25 RESPONSES

26 INTERROGATORY NO. I:

27 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
 28 responses to these interrogatories.

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to, and
3 without waiving, the foregoing objections, Plaintiff responds as follows: Dan Wettstein, Jim
4 Walter, Terry Beeler and Teresa Erickson of Wettstein and Sons, Inc., d/b/a Wettstein's.

5 **INTERROGATORY NO. 2:**

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
18 respond to this interrogatory because it impermissibly calls for downstream information
19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
22 2005).

23 **INTERROGATORY NO. 3:**

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
5 conditions that were a part of the sale, including without limitation all terms and conditions
6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
16 respond to this interrogatory because it impermissibly calls for downstream information
17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
19 the defendants may be derived from their production of documents.

20 INTERROGATORY NO. 7:

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
26 YOUR response.

27 RESPONSE TO INTERROGATORY NO. 7:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their production of documents.

INTERROGATORY NO. 8:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such

information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRTs from defendants as follows: Jim Walters of Wettstein's. Additionally, Dan Wettstein is ultimately responsible for the company's decisions.

INTERROGATORY NO. 9:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRT Products from defendants as follows: Dan Wettstein, Brian Rooker, and Wayne Hanson of Wettstein's.

1 **INTERROGATORY NO. 10:**

2 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
3 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
4 knowledge of those specifications.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
7 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
8 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
9 information entirely irrelevant to the issues raised and damages claimed in this case and is not
10 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
11 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
12 without waiving, the foregoing objections, Plaintiff responds as follows: Wettstein's would make
13 acquisitions or potential acquisitions of CRTs based upon manufacturer, the CRT's price, and its
14 availability. The persons at Wettstein's with knowledge of those CRT specifications would be Jim
15 Walters. Additionally, Dan Wettstein is ultimately responsible for the company's decisions.

16 In addition, the answer to this interrogatory may be derived from Plaintiff's production of
17 documents.

18 **INTERROGATORY NO. 11:**

19 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
20 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
21 with knowledge of those specifications.

22 **RESPONSE TO INTERROGATORY NO. 11:**

23 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
24 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
25 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
26 information entirely irrelevant to the issues raised and damages claimed in this case and is not
27 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
28 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and

1 without waiving, the foregoing objections, Plaintiff responds as follows: Wettstein's acquisitions
 2 or potential acquisitions of CRT Products were based on the manufacturer, product screen size,
 3 and price. The persons at Wettstein's with knowledge of those CRT Product specifications would
 4 be Dan Wettstein, Brian Rooker, and Wayne Hanson. Additionally, Dan Wettstein is ultimately
 5 responsible for the company's decisions.

6 In addition, the answer to this interrogatory may be derived from plaintiff's production of
 7 documents.

8 **INTERROGATORY NO. 12:**

9 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 10 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 11 the allegations in the Complaint.

12 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 13 YOUR response.

14 **RESPONSE TO INTERROGATORY NO. 12:**

15 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 16 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 17 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) ("[t]here is considerable recent
 18 authority for the view that the wisest general policy is to defer propounding and answering
 19 contention interrogatories until near the end of the discovery period."); *In re Ebay Seller Antitrust*
 20 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) ("Courts using their
 21 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 22 undertaken."). Discovery has just started, Defendants have not meaningfully responded to
 23 Plaintiffs' discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 24 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 25 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 26 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 27 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 28 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material

neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

INTERROGATORY NO. 13:

Separately, with respect to each CRT PRODUCT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff

1 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
2 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
3 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
4 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
5 Rules of the United States District Court for the Northern District of California.

6
7 DATED: July 7, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

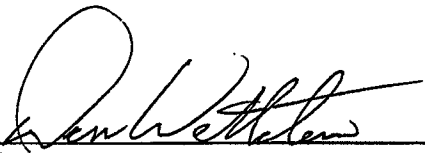
*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

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VERIFICATION

I, Dan Wettstein, am the President of Wettstein and Sons, Inc., d/b/a Wettstein's. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Wettstein and Sons, Inc., d/b/a Wettstein's Responses and Objections to Defendant Hitachi America Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 7TH, 2010.



Signature

Guido Saveri (22349) guido@saveri.com
 R. Alexander Saveri (173102) rick@saveri.com
 Geoffrey C. Rushing (126910) grushing@saveri.com
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 Facsimile: (415) 217-6813

*Interim Lead Counsel for the Direct Purchaser
 Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:
 ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF CRAGO D/B/A DASH
 COMPUTER, INC.'S RESPONSES TO
 DEFENDANT HITACHI AMERICA,
 LTD.'S FIRST SET OF
 INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF CRAGO D/B/A DASH COMPUTER, INC.

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Crago d/b/a Dash Computer, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses herein:

1. Plaintiff and its counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
2 responses are therefore based upon information known at this time and are provided without
3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
15 the extent the information sought is protected by the attorney-client privilege, the attorney work
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
19 asserted to protect any information from disclosure. Accordingly, any response or production of
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light of further evidence and further analysis of present and subsequently acquired evidence.

15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations, including evidence that Plaintiff expects to further develop through the course of discovery and expert analysis.

16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in, or trial of, this or any other action for any purpose whatsoever.

17. No incidental or implied admissions are intended in these responses. Plaintiff's response to all or any part of any Interrogatory should not be taken as an admission that: (a) Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or (b) Plaintiff has in its possession, custody or control documents or information responsive to that interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver by Plaintiff of all or any part of its objection(s) to that interrogatory.

18. Plaintiff objects to the interrogatories to the extent they are duplicative of interrogatories served by other defendants in this litigation. To the extent these interrogatories seek answers that are duplicative to those requested by other interrogatories that have already been propounded on the direct purchaser class, or served at the same time as these interrogatories, the direct purchaser plaintiffs will only answer them once.

19. Plaintiff objects to these interrogatories to the extent that the cumulative requests by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

RESPONSES

INTERROGATORY NO. I:

IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR responses to these interrogatories.

1 RESPONSE TO INTERROGATORY NO. 1:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows: David M. Allen,
 4 President, Crago Corp., 7228 West Frontage Road, Merriam, Kansas 66203.

5 INTERROGATORY NO. 2:

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 11 YOUR response.

12 RESPONSE TO INTERROGATORY NO. 2:

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 18 respond to this interrogatory because it impermissibly calls for downstream information
 19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 22 2005).

23 INTERROGATORY NO. 3:

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
 27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
5 conditions that were a part of the sale, including without limitation all terms and conditions
6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
16 respond to this interrogatory because it impermissibly calls for downstream information
17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 12 this interrogatory to the extent it calls for disclosure of information that is protected by the
 13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 17 34 and the applicable Local Rules of the United States District Court for the Northern District of
 18 California. Subject to, and without waiving these objections, Plaintiff responds that it did not
 19 purchase CRTs (as opposed to CRT Products) during the Relevant Period.

20 INTERROGATORY NO. 7:

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 26 YOUR response.

27 RESPONSE TO INTERROGATORY NO. 7:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their production of documents. *See* Bates Range CRAGO0000001-7.

INTERROGATORY NO. 8:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory

1 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 2 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 3 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 4 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 5 the ground that it is duplicative of other interrogatories served in this action.

6 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 7 to their acquisition of CRT Products from defendants as follows: David M. Allen, President,
 8 Crago Corp., 7228 West Frontage Road, Merriam, Kansas 66203.

9 **INTERROGATORY NO. 9:**

10 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 11 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 12 RELEVANT PERIOD.

13 **RESPONSE TO INTERROGATORY NO. 9:**

14 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 15 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 16 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 17 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 18 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 19 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 20 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 21 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 22 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 23 the ground that it is duplicative of other interrogatories served in this action.

24 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 25 to their acquisition of CRT Products from defendants as follows: David M. Allen, President,
 26 Crago Corp., 7228 West Frontage Road, Merriam, Kansas 66203

27 **INTERROGATORY NO. 10:**

28 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of

1 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
2 knowledge of those specifications.

3 **RESPONSE TO INTERROGATORY NO. 10:**

4 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
5 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
6 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
7 information entirely irrelevant to the issues raised and damages claimed in this case and is not
8 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
9 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
10 without waiving, the foregoing objections, Plaintiff responds as follows: Crago Corp. did not
11 provide any product specifications to any manufacturer in connection with the acquisition or
12 potential acquisition of CRT's during the relevant period.

13 **INTERROGATORY NO. 11:**

14 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
15 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
16 with knowledge of those specifications.

17 **RESPONSE TO INTERROGATORY NO. 11:**

18 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
19 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
20 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
21 information entirely irrelevant to the issues raised and damages claimed in this case and is not
22 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
23 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
24 without waiving, the foregoing objections, Plaintiff responds as follows: Crago Corp. did not
25 provide any product specifications to any manufacturer in connection with the acquisition or
26 potential acquisition of CRT products during the relevant period.

27 **INTERROGATORY NO. 12:**

28 Separately, with respect to each CRT that YOU acquired during the RELEVANT

PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

INTERROGATORY NO. 13:

Separately, with respect to each CRT PRODUCT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were

1 overcharged as a result of the allegations in the Complaint.

2 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
3 YOUR response.

4 **RESPONSE TO INTERROGATORY NO. 13:**

5 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
6 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
7 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
8 authority for the view that the wisest general policy is to defer propounding and answering
9 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
10 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
11 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
12 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
13 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
14 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
15 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
16 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
17 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
18 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
19 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
20 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
21 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune

22 ///

23 ///

24 ///

1 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
2 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
3 Rules of the United States District Court for the Northern District of California.

4 DATED: July 7, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

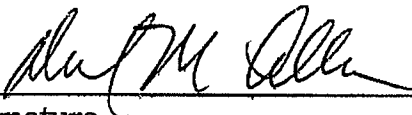
*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

9 Crt.271a-1

VERIFICATION

I, David M. Allen, am president of Crago Corp. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Crago Corp.'s Responses and Objections to Defendant Hitachi America Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 7, 2010.



Signature

Guido Saveri (22349) guido@saveri.com
R. Alexander Saveri (173102) rick@saveri.com
Geoffrey C. Rushing (126910) grushing@saveri.com
Cadio Zirpoli (179108) cadio@saveri.com
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

*Interim Lead Counsel for the Direct Purchaser
Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF HAWEL A. HAWEL D/B/A
CITY ELECTRONICS' RESPONSES TO
DEFENDANT HITACHI AMERICA,
LTD.'S FIRST SET OF
INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF HAWEL A. HAWEL D/B/A CITY
ELECTRONICS

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Hawel A.
Hawel d/b/a City Electronics ("Plaintiff"), by its attorneys, objects and responds to Defendant
Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the
"Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses
herein:

1 1. Plaintiff and its counsel have not completed their (1) investigation of the facts
2 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
3 responses are therefore based upon information known at this time and are provided without
4 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
5 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
6 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
7 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
8 inadvertent errors or omissions have been made.

9 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
10 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
11 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
12 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
13 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
14 Procedure.

15 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
16 the extent the information sought is protected by the attorney-client privilege, the attorney work
17 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
18 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
19 privilege, attorney work-product or any other privilege, immunity or other protection that may be
20 asserted to protect any information from disclosure. Accordingly, any response or production of
21 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
22 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

23 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
24 particularity the information and categories of information to be provided.

25 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
26 documents outside its possession, custody, or control.

27 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
28 unduly burdensome.

1 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,
2 redundant, harassing or oppressive.

3 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
4 legal conclusions.

5 9. Plaintiff objects to the Interrogatories to the extent the information requested is
6 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
8 them, seek production of any information within the possession, custody, or control of any
9 Defendant, or of publicly available information such that the information is obtainable from some
10 other source that is more convenient, less burdensome or less expensive, or the production of the
11 information will impose undue burden, inconvenience, or expense upon Plaintiff.

12 11. Plaintiff objects to each and every interrogatory and also to the instructions
13 accompanying them, to the extent they seek to require Plaintiff to produce all information that
14 supports or otherwise relates to specific contentions in this litigation, on the ground that such
15 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

16 12. Plaintiff objects to the Interrogatories to the extent that they seek information
17 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
18 such downstream data, because such information is not relevant to the claim or defense of any
19 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
20 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
21 information other than that related to direct purchases of CRT Products from the named
22 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
23 *Illinois*, 431 U.S. 720 (1977).

24 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
25 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
26 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
27 response should be construed to foreclose any such disclosure.

28 14. Plaintiff reserves the right to modify their allegations based on additional

1 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert
 2 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
 3 of further evidence and further analysis of present and subsequently acquired evidence.

4 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 5 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 6 including evidence that Plaintiff expects to further develop through the course of discovery and
 7 expert analysis.

8 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
 9 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 10 proceeding in, or trial of, this or any other action for any purpose whatsoever.

11 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 12 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 13 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
 14 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 15 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
 16 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 17 by Plaintiff of all or any part of its objection(s) to that interrogatory.

18 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
 19 interrogatories served by other defendants in this litigation. To the extent these interrogatories
 20 seek answers that are duplicative to those requested by other interrogatories that have already been
 21 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
 22 direct purchaser plaintiffs will only answer them once.

23 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
 24 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

25 RESPONSES

26 INTERROGATORY NO. I:

27 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
 28 responses to these interrogatories.

1 RESPONSE TO INTERROGATORY NO. 1:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows: Hawel A. Hawel
 4 (owner) and Mark McLain (office manager).

5 INTERROGATORY NO. 2:

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 11 YOUR response.

12 RESPONSE TO INTERROGATORY NO. 2:

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 18 respond to this interrogatory because it impermissibly calls for downstream information
 19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 22 2005).

23 INTERROGATORY NO. 3:

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
 27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
5 conditions that were a part of the sale, including without limitation all terms and conditions
6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
16 respond to this interrogatory because it impermissibly calls for downstream information
17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
19 the defendants may be derived from their production of documents. *See* Bates Range
20 HAWEL0000001-10.

21 INTERROGATORY NO. 7:

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
25 YOU acquired or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 7:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
19 Products from the defendants may be derived from their production of documents. *See* Bates
20 Range HAWEL0000001-10.

21 INTERROGATORY NO. 8:

22 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
23 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
24 PERIOD.

25 RESPONSE TO INTERROGATORY NO. 8:

26 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
27 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
28 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks

information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRT Products from defendants as follows: Plaintiff does not recall any “negotiations,” however, Mark McLain is the person who has been ordering the parts, including CRTs for City Electronics for the last approximately 10 years.

INTERROGATORY NO. 9:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRT Products from defendants as follows: Plaintiff did not purchase CRT

1 Products such as television sets, etc. Plaintiff purchases television parts to make repairs. Mark
2 McLain is the person who has been ordering the parts, including CRTs for City Electronics for the
3 last approximately 10 years.

4 **INTERROGATORY NO. 10:**

5 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
6 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
7 knowledge of those specifications.

8 **RESPONSE TO INTERROGATORY NO. 10:**

9 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
10 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
11 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
12 information entirely irrelevant to the issues raised and damages claimed in this case and is not
13 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
14 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
15 without waiving, the foregoing objections, Plaintiff responds as follows: CRTs are acquired as
16 needed for television repairs. The specifications for each purchase are determined by the make
17 and model of the television being repaired. Mark McLain and Hawel A. Hawel. In addition, the
18 answer to this interrogatory may be derived from Plaintiff's production of documents. *See* Bates
19 Range HAWEL0000001-10.

20 **INTERROGATORY NO. 11:**

21 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
22 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
23 with knowledge of those specifications.

24 **RESPONSE TO INTERROGATORY NO. 11:**

25 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
26 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
27 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
28 information entirely irrelevant to the issues raised and damages claimed in this case and is not

likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Subject to, and without waiving, the foregoing objections, Plaintiff responds as follows: Plaintiff did not purchase CRT Products such as television sets, etc. Plaintiff purchases television parts to make television repairs.

In addition, the answer to this interrogatory may be derived from plaintiff's production of documents. *See* Bates Range HAWEL0000001-10.

INTERROGATORY NO. 12:

Separately, with respect to each CRT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material

neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

INTERROGATORY NO. 13:

Separately, with respect to each CRT PRODUCT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff

also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

DATED: July 8, 2010

By: /s/ Guido Saveri
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706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

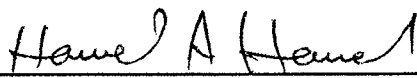
*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

Crt.271a-4

VERIFICATION

I, Hawel A. Hawel, am the owner of City Electronics. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Hawel A. Hawel dba City Electronics 's Responses and Objections to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 8, 2010.



Hawel A. Hawel